

09/763,578

REMARKS

Claims 1-15 have been rejected as indefinite and claims 1-15 have been rejected as anticipated by Shi. Reconsideration is respectfully requested in view of the attached amended claims and following considerations.

Independent claims 1 and 5 have been amended by deleting the previous amendments which brought forth the indefiniteness rejection. Thus, claims 1 and 5 are no longer believed indefinite.

Independent claims 1 and 5 have also been amended by adding the agitation of the enclosure limitations from dependent claims 4 and 7 and the alternative of suspending and agitating. Furthermore, claims 4 and 7 have been amended by particularizing the string or rod as the agitating or suspending and agitating means.

The Shi patent makes no disclosure of any means to agitate or suspend and agitate the enclosure. There is also no suggestion in Shi of any rod or string to agitate or suspend and agitate the enclosure. The enclosure holding the beads in Shi is in a closely fitting vessel through which liquid media are mechanically pumped in a re-circulating system until all cell growth is completed on the beads in the enclosure. Shi relies upon forced convection to maximize flow through the enclosure and maximum contact with the beads.

In contrast, applicant's device relies upon immersion in a suspension (broth or solution) and agitation in the suspension as explained at the bottom of page 4 and top of page 5 of the application. The device comprising the enclosure and beads is lowered into the solution, agitated for a period of time and then pulled from the solution. The agitation is accomplished through the rod or string attached to the device. Clearly, Shi makes no suggestion of the device or method in

amended independent claims 1 or 5 of applicant. Careful review of Shi only discloses (Col. 11, lines 46-51) gentle manual shaking of the entire vessel after the Shi process was turned off. Thus, there is no suggestion in Shi of agitation during the Shi process.

Since claims 4 and 7 were present in the original application and therefore already considered by the examiner, no new substantive issues have been raised by these amendments to claims 1 and 5. The limitations to string or rod now in claims 4 and 7 merely delineate the means to agitate or suspend and agitate.

Claims 1 – 15 are therefore now believed allowable.